

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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IN RE EX PARTE APPLICATION OF : 16 MC 9  
PURE DIETS INDIA LIMITED :  
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**ORDER ON PETITION FOR DISCOVERY ASSISTANCE**  
**PURSUANT TO 28 U.S.C. § 1782(a)**

**WHEREAS**, on April 15, 2016, Petitioner, Pure Diets India Limited (“Pure”), filed a Petition in this action seeking assistance to obtain discovery under 28 U.S.C. § 1782(a) for use in a foreign proceeding pending against World Wide Container Shipping India Private Limited (“WCS”) in the Court of Chief Metropolitan Magistrate, Saket Courts, New Delhi, India, Complaint no. 1168/1/15 that alleges, *inter alia*, WCS’s breach of contract for improper importation and handling of Pure’s containerized sugar cargoes into the United States and for delays incurred in clearing such cargoes with U.S. Customs; and

**WHEREAS**, the Petitioner has requested relief as set forth in its Petition, and as supported by the Declaration of Patrick F. Lennon, Esq. and Petitioner’s Memorandum of Law, seeking permission to serve subpoenas pursuant to the Federal Rules of Civil Procedure 30 and 45 on GENCO and its employees Mr. Jeremiah Bengé (GENCO Senior V.P.-Transportation Logistics) and Ms. Bonnie Bentle (GENCO Team Manager), Ms. Tara Breit (Account Manager), Mr. Timothy Edwards (Capacity Manager), Mr. Jack Rooney (V.P. - International Business Development), Mr. Tom Nightingale (President - Transportation Logistics), Ms. Sacha Turner (Freight Solutions Specialist), Mr. John O’Brien who are all found within the District; and

**WHEREAS**, the Court having reviewed the Petition, the Memorandum of Law and the supporting Declaration of Patrick F. Lennon, Esq., finds that the conditions for relief as permitted by 28 U.S.C. § 1782(a) are satisfied;

**IT IS HEREBY ORDERED and ADJUDGED** that:

1. The Petition is granted.
2. Petitioner may proceed to serve subpoenas on GENCO and its employees Mr. Jeremiah Bengé, Ms. Bonnie Bentle, Ms. Tara Breit, Mr. Timothy Edwards, Mr. Jack Rooney, Mr. Tom Nightingale, Ms. Sacha Turner and Mr. John O'Brien as permitted by the Federal Rules of Civil Procedure 30 and 45 to seek information through the production of documents and deposition testimony regarding GENCO's role and involvement in the importation of Pure's containerized sugar cargoes into the United States.
3. GENCO, Mr. Jeremiah Bengé, Ms. Bonnie Bentle, Ms. Tara Breit, Mr. Timothy Edwards, Mr. Jack Rooney, Mr. Tom Nightingale, Ms. Sacha Turner and Mr. John O'Brien are directed to respond to the subpoenas issued pursuant to this Order by Petitioner within the time set forth therein.
4. Testimony obtained pursuant to this Order or any subpoena issued thereunder may be taken before any certified court reporter authorized to take testimony and administer oaths in the State of Wisconsin and such reporters are authorized to take testimony under this Order.
5. The Court shall retain jurisdiction over this matter for the purpose of enforcing this Order, assessing any supplemental request for discovery assistance that may be requested by Petitioner, and considering any application for further relief by the Petitioner, GENCO or any other interested party.

Dated this 18<sup>th</sup> day of April, 2016.

**SO ORDERED:**

s/ William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court